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**Subject:** LAW: Enviros threaten to sue again over Pacific fracking

An update on the debate regarding fracking in the Pacific Ocean...

## **LAW: Enviros threaten to sue again over Pacific fracking**

Ellen M. Gilmer, E&E reporter

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A nearly two-year legal struggle over hydraulic fracturing in the Pacific Ocean is not over yet.

Environmental groups last night warned the Obama administration they would head back to the courtroom if the Interior Department doesn't quickly take steps to protect wildlife affected by fracking and "acidizing" off California's coast.

"There's this overarching theme of failing to assess impacts before we allow oil and gas to go forward," Environmental Defense Center attorney Maggie Hall told *EnergyWire*.

The notice of intent to sue, filed by EDC and the Santa Barbara Channelkeeper, comes after environmental groups scored a win in an earlier round of litigation, compelling Interior to perform a fresh environmental assessment for well stimulation in the Pacific.

The agency's final product, however, was a bust for the groups. Interior found "no significant impact" from offshore fracking and signaled that it would continue routine permitting, drawing complaints that the agency was "glossing over" serious effects on wildlife (*EnergyWire*, May 31).

But the environmental study also gave green groups new fuel for their campaign against Pacific fracking.

The assessment included acknowledgements that offshore fracking could affect some species listed as threatened or endangered under the Endangered Species Act, but was not accompanied by any formal consultation with the wildlife agencies that handle ESA issues. Interior's Bureau of Ocean Energy Management and Bureau of Safety and Environmental Enforcement dismissed the risk as "negligible."

EDC and the Santa Barbara Channelkeeper are now threatening to sue over the lack of consultation, noting that the ESA threshold for consultation is any action that "may affect" a listed species.

They're particularly concerned about the abundant wildlife in the Santa Barbara Channel, which holds at least 25 listed species, including whales, sea otters, fur seals and other animals — giving the area the nickname "the Galapagos of North America," the groups say.

"The government's own analysis identifies potential threats from fracking and acidizing to many threatened and endangered species," Hall said in a statement. "Local wildlife risk exposure to toxic chemicals in frac flowback, collisions with vessels delivering chemicals to offshore platforms, and harm caused by the heightened risk of oil spills, among other concerns."

The notice gives Interior 60 days to reverse course and initiate ESA consultation. A spokesman for BOEM declined to comment, and BSEE did not respond by publication time to a request.

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